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STAAS & HALSEY LLP
700 11TH STREET, NW
SUITE 500
WASHINGTON, DC 20001

EXAMINER

FOULADI SEMNANI, FARANAK

ART UNIT PAPER NUMBER

2672

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,534

Applicant(s)

MURASHITA ET AL.

Examiner

Faranak Fouladi

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-33 is/are rejected.
- 7) ☒ Claim(s) 18, 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to communications: application, filed on 01/31/2000; and Amendment A, filed on 07/01/2002; Amendment B, filed on 12/30/02.
2. Claims 1-33 are pending in the case, with claims 1, 14, 15, 16, 17, 18, 20-27, 29, 31, and 33 being independent.
3. New claims 27-33 have been added.
4. The present title of the application is "Display Characteristics Recognition Apparatus, Display Characteristics Recognition Program Storage Medium, Computer System, Display Characteristics Adjusting Apparatus and Display Characteristic Adjusting Program Storage Medium" (as originally filed).

5. This action is made Final.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8, 12-16, 18, 20-29, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al., [US 5739809], patented on 04/14/1998.

8. As per independent claim 1, "a display characteristics recognition apparatus comprising: a signal output unit connected to a display unit displaying an image according to a signal entered (Mclaughlin et al. discloses a signal output unit and a display unit in col. 4 lines 58-67), said display unit displaying the image with a color displayed according to both the signal and a display characteristic of said display unit (Mclaughlin et al. discloses a display unit in col. 5 lines 5-10, lines 14-29), said signal output unit outputting a color chart signal representative of a color value to said display unit;

an input unit receiving interactive input identifying or indicating a perceived color perception category of the color displayed on said display unit in accordance with the color chart signal outputted from said signal output unit (Mclaughlin et al. discloses in Fig. 5, Fig. 6, Fig. 11); and

a display characteristic identification unit automatically determining a value approximating the display characteristic of said display unit in accordance with the color value of the color chart signal outputted from said signal output unit and in accordance with the interactive input entered through said input unit (Mclaughlin et al. discloses in col. 5 lines 33-48, col. 8 line 17-21).

Mclaughlin et al. do not disclose a color name input unit entering a name of a color displayed on the display but he discloses in fig. 11 that colors (red, green, and blue level) can be changed by the user to desired level (user can see the result of the color change he/she made to the display (col. 15 lines 12-36)). It would have been obvious to a person with ordinary skill in the art to add a color name input unit

entering a name of a color displayed on display to Mclaughlin device (instead of entering different numerical values in box 84A of fig. 6) to make the color selection easier for the user since using names for colors is easier to remember than using numbers for colors.

9. With respect to dependent claim 2, "...wherein said display characteristics identification unit determines, as the display characteristic, a relationship between a signal representative of a white image and a color of an image displayed on said display unit in accordance with the signal." Mclaughlin et al. discloses in col. 5 lines 33-48; col. 10 lines 50-55.

10. With respect to dependent claim 3, "...wherein said display unit is selectively set up to any one of a plurality of display characteristics, and said display characteristics identification unit determines display characteristics parameters to which said display unit is set up." Mclaughlin et al. discloses in col. 5 lines 33-48; and col. 7 lines 1-5, 34-39.

11. With respect to dependent claim 4, "...wherein said display unit is a display in which an image is displayed through emission of light, and said display characteristics identification unit determines, as the display characteristic, luminance of said display." Mclaughlin et al. discloses in col. 15 lines 37-43.

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12. With respect to dependent claim 5, "...wherein the color chart signal is such that the color value is in one of two color perception areas adjacent to one another on a chromaticity diagram, and color chart signal is displayed in chromaticity according to the display characteristic." McLaughlin et al. discloses in col. 14 lines 15-55.

In McLaughlin display characteristics (display parameters) are saved in profiles data and the color chart signal is displayed according to this profiles data.

13. With respect to dependent claim 6, "...wherein said input unit enters a name of a color interactively selected from among color names associated with the color value of the color chart signal." McLaughlin et al. discloses a virtual control that allows a user to alter one or two primary color in col. 10 lines 56-64. Although McLaughlin et al. do not disclose entering a name of a color from among color names but it would have been obvious to a person with ordinary skill in the art to add a color name input unit entering a name of a color selected from among colors names to McLaughlin virtual control to simplifying the process of changing the colors.

14. With respect to dependent claim 7, "...wherein said signal output unit outputs to the display unit a plurality of color chart signals each representative of a monochrome figure with a different color value to said display unit; said input unit enters a name of a color of each of a plurality of monochrome figures; and said display characteristics identification unit determines the display characteristic of said display unit in accordance with the color values of the plurality of color chart signals

outputted from said signal output unit and the plurality of names of the color entered through said color name input unit." McLaughlin et al. discloses in col. 14 lines 5-50.

15. With respect to dependent claim 8, "...wherein said signal output unit outputs one of the plurality of color chart signals, and thereafter outputs, of the plurality of color chart signals, a color chart signal according to the name entered through said input unit to said display unit." McLaughlin et al. discloses in col. 14 lines 5-50.

16. With respect to dependent claim 12, "...wherein said display characteristics recognition apparatus further comprises a profile producing unit for generating data representative of display characteristics determined by said display characteristics identification unit in a predetermined format to produce a profile representative of characteristics as to display of an image by said display unit including the data." McLaughlin et al. discloses in col. 16 lines 6-10.

17. With respect to dependent claim 13, "...wherein said display characteristics recognition apparatus further comprises: a profile storage unit for storing various sorts of profiles each representative of characteristics as to display of an image by a display unit including data indicative of various display characteristics in a common format; and profile selection unit for selecting one profile from among the various sorts of profiles stored in said profile storage unit in accordance with the display

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characteristics determined by said display characteristics identification unit.”

McLaughlin et al. discloses in col. 16 lines 23-29, and lines 34-41.

18. With respect to independent claim 14, “a storage medium storing a display characteristics recognition program for performing a process, the process comprising: displaying an image with a color displayed according to both a display characteristic of a display unit and a color chart representative of a color value; interactively inputting information identifying or indicating a perceived color perception category of the color displayed on said display unit in accordance with the color chart; automatically determining a value approximating the display characteristic of said display unit in accordance with the color value of the color chart and in accordance with the interactively inputted information identifying or indicating the perceived color perception category.” McLaughlin et al. discloses in col. 6 lines 6-9.

19. With respect to independent claim 15, “a computer system comprising: a display displaying an image according to a signal entered...; a main frame unit outputting to said display a color chart signal indicating a color value of a monochrome figure and color name signals...; and an input unit receiving input indicating or identifying a color name interactively selected from among said plurality of color names in accordance with an operation, where the information identifying or indicating the color name is a perceived color of the color value displayed by the display unit

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according to the color chart signal and the display characteristic, wherein said main frame unit automatically determines a display characteristic of said display in accordance with the color chart signal outputted toward said display and the color name information received through entered through said input unit." McLaughlin et al. discloses in abstract line 1-28.

20. With respect to independent claim 16, "a computer system comprising: a display unit displaying an image according to a signal entered, said display unit displaying the image with a color displayed according to both the signal and a display characteristic of said display unit; a main frame unit outputting for display by said display unit a series of color chart signals with color values in adjacent color perception areas on a chromaticity diagram, where each area is a different color perception category; and an input unit for interactively entering information indicating or identifying a perceived color corresponding to a boundary of the color perception categories of colors, which is interactively selected from among the colors displayed on said display unit, to said main frame unit in accordance with an operation, wherein said main frame unit automatically determines a display characteristic of said display unit in accordance with the color values of the colors displayed on the display unit and the color information interactively entered through said input unit." McLaughlin et al. discloses in col. 14 lines 6-50.

21. With respect to independent claim 18, "a computer system comprising: a display displaying an image according to a signal entered, said display displaying a color according to both the signal and a luminance display characteristic of said display; a main frame unit causing said display to display a plurality of monochrome color patches with mutually different luminances of said display unit, each of the plurality of monochrome color patches being displayed with a same color value corresponding to a specific color name; and an input unit for interactively selectively one of the monochrome figures displayed with a color of the specified color name of the plurality of monochrome figures displayed on said display unit, to said main frame unit in accordance with an operation, wherein said main frame unit determines a value of the luminance display characteristic of said display unit in accordance with the color chart signal outputted toward said display unit and the monochrome figure entered through said input unit." McLaughlin et al. discloses in col. 15 lines 37-65.

22. With respect to independent claim 20, "a display characteristics adjusting apparatus for adjusting characteristics of a display unit for displaying an image according to a signal entered, said display unit displaying the image with a color according to both the signal and a display characteristics of said display unit, said display characteristics adjusting apparatus comprising: a signal output unit outputting a signal for display to said display unit such signal comprising a color chart signal with a color value belonging to an area of a chromaticity diagram that is adjacent to another area on the chromaticity diagram, the areas representing

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different color perception categories where the signal is displayed on said display unit in accordance with display characteristics of said display unit." McLaughlin et al. discloses in col. 14 lines 6-50.

23. Claim 21 recites a computer-readable medium storage storing a display characteristic adjusting program to operate the display characteristics adjusting apparatus of claim 20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented characteristic adjusting program as computer executable instructions stored on a computer-readable medium so that the display characteristic adjusting program can be ported to other computer systems.

24. With respect to independent claim 22, "a computer system comprising: a display unit displaying an image according to a signal entered, said display unit displaying the image with a color displayed according to both the signal and a display characteristic of said display unit; an adjusting unit adjusting display characteristics of said display unit in accordance with an operation; and a main frame unit for outputting a signal for display to said display unit such signal comprising a color chart signal with a color value belonging to an area of a chromaticity diagram that is adjacent to another area on the chromaticity diagram, the areas representing different color perception categories where the signal is displayed on said display unit in accordance with display characteristics of said display unit." McLaughlin et al. discloses in col. 14 lines 6-50.

25. As per independent claim 23, "a display characteristics recognition apparatus comprising: means for displaying an image on a display unit with a color determined by both an input signal and display characteristics of the display unit, and displaying a color chart signal (McLaughlin et al. discloses a signal output unit and a display unit in col. 4 lines 58-67; and also discloses a display unit in col. 5 lines 5-10, lines 14-29), means for automatically determining display characteristics of said display unit in accordance with the color chart signal and the indicated or identified name of the color (McLaughlin et al. discloses in col. 5 lines 33-48).

McLaughlin et al. do not disclose means for inputting information identifying or indicating a name of a color displayed in accordance with the color chart signal but he discloses in fig. 11 that colors (red, green, and blue level) can be changed by the user to desired level (user can see the result of the color change he/she made to the display) (col. 15 lines 12-36). It would have been obvious to a person with ordinary skill in the art to add means for inputting information identifying or indicating a name of a color displayed to McLaughlin device (instead of entering different numerical values in box 84A of fig. 6) to make the color selection easier for the user since using names for colors is easier to remember than using numbers for colors.

26. Claim 24 recites method steps performed by the apparatus of claim 23; therefore they are similar in scope and rejected under the same rationale.

27. Claim 25 recites a computer-readable medium storage storing a program for executing the method of claim 24. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to have implemented the method of claims 24 as computer executable instructions stored on a computer-readable medium so that the method of claim 24 can be ported to other computer systems.

28. Claim 26 recite apparatus for performing the method of claim 24; therefore they are similar in scope and rejected under the same rationale.

29. With respect to new independent claim 27, "a method of color calibration, comprising: displaying a color with a display system; receiving interactive input identifying or indicating a perceived color perception category of the display color; and automatically determining a value of a characteristics of the display system based on the interactively indicated color perception category." McLaughlin et al. discloses in col. 14 lines 1-41 and Fig. 10.

30. With respect to new dependent claim 28, "...wherein the color perception category is one of two different such categories, and the displayed color is susceptible to being perceived in either of the two different color perception categories according to the value of the characteristic, and where the characteristic is one of luminance and color temperature." McLaughlin et al. discloses in col. 14 lines 1-41 and col. 15 lines 37-64.

31. With respect to new independent claim 29, "a method of color calibration, comprising: causing a display system to emit a color, where the emitted color is

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product of an unknown value of a characteristic of the display and a color value passed to the display; receiving input identifying or indicating a perceived color of the emitted color; and automatically determining the unknown value of the characteristic of the display based on the perceived color of the emitted color.”

McLaughlin et al. discloses in col. 1 lines 45-62.

32. Claim 31 is similar to claim 29 and therefore is rejected under the same rational.

33. With respect to new independent claim 33, “a method comprising automatically generating a color profile of a display system by interactively identifying perceived color perception categories of predetermined color values displayed by the display system, and matching the perceived color categories to color categories expected to be perceived when displayed with different values of a display characteristic.”

McLaughlin et al. discloses in col. 14 lines 20-30 and Fig. 10.

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mclaughlin et al. in view of reference Tanaka [US 5943036].

36. Regarding claim 9, Mclaughlin et al. disclose the instant claimed invention except for outputting a signal to display unit, causing black to be displayed around the monochrome figure displayed on said display unit according to the color chart signal. Tanaka discloses the output means outputs to display unit a signal causing black to be displayed around the monochrome figure displayed on display unit according to the color chart [col. 6 lines 52-60 and Fig. 4 and 5]. It would have been obvious to a person with ordinary skill in the art to combine the Tanaka's black border signal with the signal output unit of Mclaughlin et al. to enhance the Mclaughlin et al. display unit to display a color on the black background because the black background has no color interference and this makes the color selection easier for the user.

37. Dependent claim 10 is also rejected in view of the above remarks.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

38. Claims 29-32 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

39. Claim 29 and 30 claims a method of color calibration causing a display system to emit a color, where the emitted color is product of an unknown value of a characteristic of the display and a color value passed to the display; this subject matter was not described in the specification.

40. Claim 31 and 32 claims a method comprising interactively identifying or indicating a perceived color perception category of a color emitted a display system to emit a color; this subject matter was not described in the specification.

Claim Rejections - 35 USC § 112

41. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

42. Claim 5 recites the limitation "the color value is in one of two color" in the 3rd line of the claim. There is insufficient antecedent basis for this limitation in the claim.

43. Claim 7 recites the limitation "said color name" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

44. Claim 11 recites the limitation "the two color perception areas" in the 2th line of the 2nd paragraph of the claim. There is insufficient antecedent basis for this limitation in the claim.

45. Claim 16 recites the limitation "the color information" in the 3rd line of the 4th paragraph of the claim. There is insufficient antecedent basis for this limitation in the claim.

46. Claim 18 recites the limitation "the monochrome figures" in the 1st line of the 3rd paragraph of the claim. There is insufficient antecedent basis for this limitation in the claim.

47. Regarding claim 19, phrase "a predetermined ratio of persons" is unclear. Also, in claim 19, the phrase "at least" renders the claim(s) indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

In addition, in 2nd line of the claim 19, the phrase "color chart signals" and "a plurality of monochrome figures" do not correspond to independent claim 18.

Claim Objections

48. Claim 18 is objected to because of the following informalities: in the 1st line of the 3rd paragraph of the claim "selectively" should be changed to "select". Appropriate correction is required.

49. Claim 20 is objected to because of the following informalities: in the 5th line of the 2nd paragraph of the claim a closing bracket is missing. Appropriate correction is required.

Response to Amendment

50. The amendment to the claim 20 filed on 01/03/03 does not comply with the requirements of 37 CFR 1.121(c) because the clean version of the amended claims and the marked up version of the claims do not match (referring to the last 2 lines of the claim in clean version and marked up version).

51. The amendment to the claim 21 filed on 01/03/03 does not comply with the requirements of 37 CFR 1.121(c) because the clean version of the amended claims does not include "twice amended claim 21" only the marked up version include this claim.

Amendments to the claims filed after March 1, 2001 must comply with 37 CFR 1.121(c) which states:

(c) Claims.

(1) Amendment by rewriting, directions to cancel or add: Amendments to a claim must be made by rewriting such claim with all changes (e.g., additions, deletions, modifications) included. The rewriting of a claim (with the same number) will be construed as directing the cancellation of the previous version of that claim. A claim may also be canceled by an instruction.

(i) A rewritten or newly added claim must be in clean form, that is, without markings to indicate the changes that have been made. A parenthetical expression should follow the claim number indicating the status of the claim as amended or newly added (e.g., "amended," "twice amended," or "new").

(ii) If a claim is amended by rewriting such claim with the same number, the amendment must be accompanied by another version of the rewritten claim, on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of that claim. A parenthetical expression should follow the claim number indicating the status of the claim, e.g., "amended," "twice amended," etc. The parenthetical expression "amended," "twice amended," etc. should be the same for both the clean version of the claim under paragraph (c)(1)(i) of this section and the marked up version under this paragraph. The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system. A marked up version does not have to be supplied for an added claim or a canceled claim as it is sufficient to state that a particular claim has been added, or canceled.

(2) A claim canceled by amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

Response to Arguments

52. Claim 17 is allowed.

53. Applicant's arguments filed 01/03/03 have been fully considered but they are not persuasive.

54. Applicant argues on 1st paragraph of page 10 that McLaughlin discusses a system for graphically and manually setting internal parameters of a display and McLaughlin does not discuss automatically determining a display characteristic. Conventional calibration systems have automatically saved color data measured during a calibration session into a data file often referred to as a "display profile". Display characteristics (parameters) are determined automatically in McLaughlin as well (Abstract and col. 14 lines 20-27).

55. Applicant also argues that McLaughlin is concerned with matching a specific particular color, not identifying or indicating a more general color perception category. McLaughlin disclose in col. 2 line 30-45 that the some conventional computer systems have software that causes the computer system to vary display parameter in response to user selection of various ones of the icons using a mouse or other input devices. Display parameters include gamma and white point and by changing these parameters one can identify or indicate different color perception category.

Conclusion

56. This action is made Final.

57. Any this communication or earlier communications from the examiner should inquiry concerning be directed to **Faranak Fouladi** whose telephone number is **703-305-3223**. The examiner can normally be reached on Mon-Fri from 8:00-4:30.

58. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi** can be reach at **703-305-4713**.

59. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, DC. 20231

Or faxed to: 703-872-9314 (for Technology Center 2600 only)

60. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

61. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Faranak Fouladi-Semnani
Patent Examiner
Art Unit 2672


MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600